

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

MATTHEW THEISEN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:13CV32 CDP
	)	
STODDARD COUNTY, et al.,	)	
	)	
Defendants,	)	

**MEMORANDUM AND ORDER**

Plaintiffs' counsel has filed an *ex parte* motion asking me to order a non-party to the case to produce documents. Because counsel filed the document *ex parte*, no other counsel to this action have received notice of it. There is no indication that plaintiffs' counsel has provided notice of this motion to the non-party. There is no indication that a subpoena has been served on the non-party or that I have any legal basis whatsoever for ordering someone who is not part of this case to do anything.

This violates so many rules and ethical standards that I do not know where to begin. I will summarily deny the motion and will order the clerk to remove it from under seal. I will order plaintiff's counsel to provide a copy of it to defendants' counsel and to provide a copy of the motion and this order to the non-party. **No one needs to respond to the motion, as it is being summarily denied.**


Finally, although the time for plaintiff to respond to defendant's motion to vacate the referral to ADR has not yet run, I will go ahead and grant that motion, as this latest filing convinces me that any attempt at mediation would be unsuccessful.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's Ex Parte Motion [#141] is summarily denied.

**IT IS FURTHER ORDERED** that the Clerk of Court shall place docket # 141 in the open court file as there was no valid basis for filing it either under seal or *ex parte*.

**IT IS FURTHER ORDERED** that defendants' motion to vacate the referral to ADR is granted.

  
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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 27<sup>th</sup> day of January, 2016.